

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

CAROLYN SUE ANDERS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. CIV-23-788-F
	)	
PETCO ANIMAL SUPPLIES STORES,	)	
INC., a foreign for-profit business	)	
corporation, WILLIAM WETZEL,	)	
individually,	)	
	)	
Defendants.	)	

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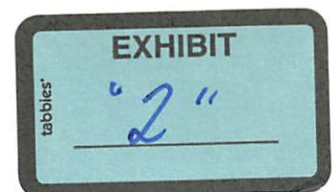
**PLAINTIFF'S NOTICE OF VIDEO DEPOSITION OF DEFENDANT PETCO  
ANIMAL SUPPLIES STORES, INC.'S CORPORATE REPRESENTATIVE(S)  
PURSUANT TO FED. R. CIV. P. RULE 30(b)(6)**

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TO: Petco Animal Supplies Stores, Inc.  
c/o J. Mark McAlester  
Michael S. McMillin  
Fenton, Fenton, Smith, Reneau & Moon  
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PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. Rule 30(b)(6) the stenographic video deposition of Petco Animal Supplies Stores, Inc., will be taken before a qualified Court Reporter, Notary Public, or other person authorized to administer oaths at the offices of D&R Reporting & Video, on the 6th date of June 2024, at 10 A.M., or at thereafter by adjournment until the same shall be completed.

Pursuant to Fed. R. Civ. P. Rule 30(b)(6) Defendant Petco Animal Supplies Stores, Inc., ("Defendant" or "Petco") is required to designate and fully prepare one or more officers, directors, managing agents or other persons who consent to testify on behalf of Defendant, and whom Defendant will fully prepare to testify regarding the following designated matters and as to all such information that is known or reasonably available to Defendant's organization.



Further, the person or persons so designated to testify shall bring with them for copying and production and copying, any and all documents including, but not limited to writings, drawings, drafts, charts, photographs, video, motion picture films, hard copy of electronic media compilations, and/or data completed and any and all customer safety policies and procedures pertinent thereto. Plaintiff asserts these documents requested to be produced at the deposition fall within the ambit of bounds of previous written discovery requests.

THE WITNESS SHOULD HAVE A GOVERNMENT-ISSUED IDENTIFICATION TO PROVIDE THE COURT REPORTER/NOTARY TO CONFIRM HIS/HER/THEIR IDENTITY AT THE COMMENCEMENT OF THE DEPOSITION AND BEFORE BEING SWORN.

**I. Management Structure**

1. Describe the management structure of the Petco store located at 223 NW 2<sup>nd</sup> Street, Lawton, OK 73507-7018 (hereinafter the “Property”) as it was on March 13, 2023.
2. Identify and answer answers questions regarding the committees, groups, divisions, and/or departments within Petco’s organizational structure tasked with the authority and responsibility regarding the assurance of customer safety.
3. Identify each person and/or entity having an ownership interest in the Property, on March 13, 2023.
4. The identity and responsibilities of each person and entity having the ability, on March 13, 2023, to exercise control over security, maintenance, repair, and improvements for the Property.
5. Describe the organizational structure and role of Petco, including Petco’s management and control over the finances, operations and business activities of the Property in the budget year that would include March 13, 2023.
6. The identity, responsibility, and extent of the authority, of each person with the authority to establish policies and make planning level decisions regarding security, maintenance, repair, improvements, product placement, injury prevention, and patron safety at the Property from 2020 through 2023.

7. Describe and answer questions regarding the organizational structure and role of Petco, in the management and control over the finances, operations and business activities of the Property in the budget year that would include March 13, 2023.

## **II. Helmsman Management Services**

1. Describe the relationship between Helmsman Management Services, and Petco.
2. Describe the relationship between Helmsman Management Services and any divisions and/or departments within Petco's organizational structure dedicated to security maintenance, repair, improvements, and patron safety.
3. Describe Helmsman Management Services' responsibilities and authority for claim services for Petco patrons.
4. Describe Helmsman Management Services' role in evaluating the foreseeability of patron injuries at the Property.
5. Describe how persons within any Petco divisions dedicated to patron safety communicated with Helmsman Management Services.
6. The identity, responsibilities, and extent of authority of each person employed by Helmsman Management Services, who were responsible for claims handling and risk management of the Property from January 1, 2019, to July 1, 2023.

## **III. Risk Analysis and Decisions**

1. Describe Petco's role and process for evaluating the foreseeability of trip/slip and falls or other patron injuries at the Property.
2. Describe Petco's role and process for evaluating the foreseeability of trip/slip and fall injuries at all Petco stores nationwide.
3. Describe all sources of information gathered by Petco and/or Helmsman Management Services regarding trip/slip and falls or other patron injuries at any and all Petco stores nationwide.
4. Describe how and where the information gathered by Petco and/or Helmsman Management Services regarding trip/slip and falls or other patron injuries at any and all Petco stores nationwide is stored.

5. Describe how the information gathered by Defendant Petco and/or Helmsman Management Services regarding trip/slip and falls or other patron injuries at any and all Petco stores nationwide is organized, indexed, filed, and/or categorized.
6. Describe how the information gathered by Defendant Petco and/or Helmsman Management Services regarding trip/slip and falls or other patron injuries at any and all Petco stores nationwide is searched and/or queried, accessed.
7. Describe how and by whom the information regarding trip/slip and falls or other patron injuries which took place at the Property from January 1, 2019, to April 1, 2023 at the Property is analyzed.
8. Describe all information regarding the number of trip/slip and falls or other patron injuries occurring at the Property from January 1, 2019, to April 1, 2023.
9. Explain in explicit and exact detail and answer questions regarding Petco's document retention program.
10. The identity, responsibility, and extent of the authority, of all persons employed by Petco with authority to make decisions to ensure the Property is safe for patrons to come upon, from January 1, 2019, to March 31, 2023.
11. Describe the procedures, features, and options which were known to Petco, that could have been used for the prevention regarding trip/slip and falls or other patron injuries at the Property, prior to March 13, 2023.
12. Describe Petco's process of analyzing the effectiveness of the various available policies and procedures for the prevention of regarding trip/slip and falls or other patron injuries at the Property.
13. Describe databases maintained, or available to Petco for analyzing the effectiveness of the various policies and procedures, features and options used by Petco for the protection of persons at the Property prior to March 13, 2023.
14. The identity, responsibility, and extent of the authority of all persons involved in the process of evaluating warning signs, product placement, aisle configuration, and/or any other injury prevention measures used at the Property prior to April 1, 2023.

15. Describe any cost/benefit analysis conducted or evaluated by Petco for evaluating warning signs, product placement, aisle configuration, and/or any other injury prevention measures used at the Property prior to April 1, 2023.
16. Explain in explicit and exact detail and answer questions regarding how much risk vs. safety Petco is willing to accept.
17. Explain in explicit and exact detail and answer questions regarding what role Petco's President and CEO have in addressing what to do about flawed or possible substantial hazards, or serious or unreasonable risks, such as unsafe product placement at Petco stores nationwide.
18. Describe all polices, procedures, customs and/or practices implemented to ensure the Property was safe for patrons to come upon which were in effect on March 13, 2023.
19. Describe all systems implemented to ensure the Property was safe for patrons to come upon which were in effect on March 13, 2023.
20. Describe the aisle design and/or product placement process used at the Property from January 1, 2023, through March 31, 2023.
21. Explain in explicit and exact detail and answer questions regarding lack of notice Petco gave to the public and guests at the Property of the risk and hazard of unsafe product placement on March 13, 2023.
22. Explain in explicit and exact detail and answer questions regarding inspections completed by Petco at the Property between January 1, 2023, and March 31, 2023.
23. Explain in explicit and exact detail and answer questions regarding where Petco's safety procedures and policies are spelled out in writing.
24. Explain in explicit and exact detail and answer questions regarding Petco's program for assuring its employees and agents receive appropriate supervision and follow company policies and procedures.
25. Explain in explicit and exact detail and answer questions regarding all polices, procedures, customs, and/or practices implemented to ensure the Property was safe for persons and guests at the Property in effect on March 23, 2023.
26. Describe and answer questions regarding Petco's process of analyzing the risk vs. effectiveness of the various available safety options for Defendant to protect persons

and guests at the Property from being injured by foreseeable falls prior to and after March 13, 2023.

**IV. Video Surveillance**

1. Describe the video, security and electronic monitoring system(s) at or about the Property, on or about March 13, 2023.
2. Describe the method of operation of the video camera/surveillance system at the Property, on or about March 13, 2023.
3. Describe the method of viewing and/or monitoring the video or digital images captured by the video camera/surveillance system at the Property, on or about March 13, 2023.
4. Describe the policies and procedures for viewing and/or monitoring the video or digital images captured by the video camera/surveillance system at the Property, on or about March 13, 2023.
5. Describe and answer questions regarding the identity, responsibility, and extent of the authority of all persons who were responsible for reviewing the video and/or digital images captured by the video camera/surveillance system at the Property, on or about March 13, 2023.
6. Describe and answer questions regarding the identity, responsibility, and extent of the authority all persons, including employees from Petco and Helmsman Management Services, who at any time reviewed the video and/or digital images of the incident, which is the subject matter of this litigation.
7. Describe and answer questions regarding Petco's policies and procedures for the retention of video or digital images captured by the video camera/surveillance systems of customer incidents and injuries, including the Property, on or about March 13, 2023.

**V. Investigation**

1. Any and all facts leading up to, concerning or surrounding the incident in which Plaintiff Carolyn Sue Anders was injured at the Property on March 13, 2023.
2. Describe and answer questions regarding any investigation Petco did into Plaintiff's injury of March 13, 2023.



3. Defendant's position and/or opinion as to how the incident occurred in which Plaintiff Carolyn Sue Anders fell at the Property on or about March 13, 2023.
4. Describe and answer any questions regarding all facts and documents upon which Petco bases its contentions and affirmative defenses set out in Petco's Answer and Discovery Responses.
5. Describe and answer questions regarding Petco's contentions and conclusions drawn from any and all facts leading up to, concerning or surrounding the incident in which Plaintiff Carolyn Sue Anders was injured at the Property on or about March 13, 2023.
6. Describe and answer questions including who worked on the day of the incident, their position, job duties, current employment status and contact information.
7. Describe and answer questions regarding who was responsible for stocking, re-stocking, organizing, setting up display near checkout where incident occurred?
8. Describe and answer questions regarding policies at Petco apply to the stocking, re-stocking, organizing, setting up of the display near the checkout where the incident occurred.
9. Describe and answer questions regarding Petco's knowledge or understanding of industry standards on minimum heights of displays.

**VI. Product Placement**

1. Describe and answer questions regarding Petco's use of product placement at the Property before and on March 13, 2023.

**VII. Documents Provided in Discovery**

1. The person most knowledgeable regarding the content, completeness and accuracy of all documents provided by Petco in discovery.
2. The person most knowledgeable regarding company policies and procedures relevant to this litigation.

PARRISH DEVAUGHN INJURY LAWYERS

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